

CLOSE OF THE ARGUMENT

Judge McNutt, in Behalf of the Conspirators, Says Perkins Alone Is Guilty.

For the Government Judge Claypool Makes a Lengthy and Masterly Speech—The Jury Will Be Charged This Morning.

LAST OF THE LAWYERS' SPEECHES.

Judge McNutt and Claypool Close for Their Respective Sides.

There was nothing but lawyers' speeches in the United States Court yesterday in closing the argument in the election conspiracy trial. Judge McNutt talked the entire forenoon, and Judge Claypool, for the government, spoke from 2 until 5 o'clock last evening. The listeners were many, among the number in the morning being Mrs. Sullivan, wife of the defendant, John E. McNutt, wife of the leading lawyer for the defense. During the afternoon the court-room was crowded, there being professional and business men present, in addition to those who always find an interest in trials of importance. While Judge McNutt spoke earnestly for his clients, he lost an advantage in the presentation of legal questions through the decision of the Supreme Court. This seemed to irritate him, and his remarks at times showed how keenly his failure before the highest tribunal in the land affected him. All the points upon which he based the strength of his argument at the preceding trial had been taken from him, and nothing was left but to cry down the charge of the conspiracy and denounce Perkins.

He said the charge was a will-of-the-wisp, but a necessary invention to get the case into the federal court. It all depended upon Perkins' testimony, who is not a man to be believed. His duplicity and perjury were unparalleled in the history of Indiana jurisprudence. He did not like it because Perkins goes free, as he expressed it, and from this on the talk of what he claimed was the only conspiracy, that between the prosecution and Perkins to convict Coy. He termed what, to his notion, is a tripartite agreement made by Perkins, Captain Ritter and the Committee of One Hundred, as the most infamous thing of the kind he ever heard of, since he said "it was conceived in sin, brewed in treachery, and should be abandoned in its own iniquity." Speaking as he did at the former trial of the desire of the prosecution to have Perkins tell, at first, only part of the truth, just enough to convict Coy, he claimed that the Republicans wanted by this means to get Coy out of the way, because he had carried this country and was a barrier to Democracy.

After Perkins gave testimony against Coy he enlarged it before the United States grand jury so as to secure indictments against the defendants on trial. This was the spirit of his speech, until he came to review the evidence, when he referred to Perkins as the only one who had a motive in having Albert Ayers on the Criminal Court bench, and therefore alone perpetrate the crime.

Judge McNutt did not succeed in getting away from the line of defense pursued since the inception of the case, that the prosecution was persecution for the sake of persecution, Coy a Democrat. But he left such statements for a while to deride Judge Claypool for appearing for the prosecution. He said Judge Claypool had no other standing at the trial, except as the attorney whose appointment for the purpose of the prosecution was procured from the President by the Committee of One Hundred. "If he does represent the administration," Judge McNutt said, "then God help it. If Grover Cleveland had anything to do with having this man to prosecute these defendants, so much more shame for him. In the last trial he knew, years ago, of a young man who murdered his school mate and his wife. He was tried and sent to the penitentiary for life, and yet throughout the trial he kept repeating that the motive for the crime could be discovered. Judge McNutt at one time argued there was no conspiracy, and that not even Perkins was guilty. Yet he spent two hours and a half in bolstering Perkins and trying to make the jury believe that he alone was guilty. But the mass of evidence in the changed tally-sheet case shows that such Coy was not a lone perpetrator. If Perkins had done it all, every paper would have been scratched alike. But Judge McNutt says if a man is guilty of arson, why not try him for that crime, and not for a conspiracy in procuring matches. A mob could attack the arsenal of the United States, and spread riot and bloodshed throughout the street. That comes under the law, but the attack on the arsenal could be punished by the United States as it was the property of the government. For that crime, though, according to the defense, no one should be tried. The ring-leaders should be convicted only of riot. So in this case each scratch on these tally-sheets was a crime against the State, but the United States government had no proprietary right in those sheets and has the power to protect them.

He said, turning to Judge McNutt, "You have traveled out of the court's air, and you will be sorry for it." He referred to a statement in McNutt's speech to the effect that Joseph Becker had said after he had testified that he was mistaken as to the identity of John E. Brown, who he supposed to be an inspector. "If Becker," continued Judge Claypool, "told you that, that you thought he ought to have brought him before this jury."

"In the heat of argument," replied Judge McNutt, "I said what had been told me. I am sorry for it, but in order to satisfy the court I would ask that Becker be summoned."

"The matter is of not much importance either way," said Judge Woods.

"That does not relieve the situation," replied Judge McNutt. "I feel that the statement and in the heat of debate made use of it inadvertently." Judge Claypool, continuing, after the little episode had passed, said the defendants' counsel had made great declarations in trying to elicit partisan prejudice, and in doing so had traveled out of the record. It was done for a purpose which he was sure the jury, throwing aside the released and habeas corpus regard, he referred to the denunciations heaped upon him in saying he appeared in these cases out of malice because the Democratic party had not advanced his political ambition. He could say the party had given him more than he deserved, and that he had obtained things which others had sought after and did not get. This was his attack on McNutt who, as a candidate for circuit judge had, years ago, failed of election. Passing from this he said that when the court had instructed the grand jury to find that Perkins had been indicted, "D—n the jury," "D—n the jury," "D—n the jury," he had cried out, "D—n the jury." He handled Coy numerically and contemptuously criticized the remarks of McNutt in saying that Coy was a good man.

In regard to Perkins not being indicted by the county grand jury, which disturbed the attorney for the defense, Judge Claypool said it was not intended that he should be indicted. Mr. Sullivan, Coy, Bernhamer and the whole gang were standing around the jury to prevent his indictment. He should speak. That was after Perkins had been released on habeas corpus proceedings and was still thought to be a good fellow, flattered and favored. He was too much and was essential to their safety. Up to that time the gang had succeeded, but their indictment was as last accomplished through the vengeance of an outraged people. Judge Claypool then traversed closely all the details of evidence and closed with an eloquent appeal for conviction in the interest of good government and the sanctity of election returns. The speech was strong, clear and conclusive. This morning Judge Woods will deliver his charge to the jury. That will occupy all the forenoon.

The Gang Proposed a Compromise.

During the early stages of the prosecution against the tally-sheet forgers there was uneasiness in the gang. Even before the first trial, this in July last year, the accused expressed an anxiety to deal favorably with the government. The danger of imprisonment very nearly frightened

the wit out of them, and everyone began to look for safe ground. Although it would worry more of them to pay even a nominal fine, they were willing to risk the chance of getting the money if the government would only let them go for a few hundred dollars. They offered to plead guilty if they were relieved of the trial, but this the government would not listen to, and the accused began to pass as martyrs, upheld by John E. Sullivan, who furnished largely the money to pay the lawyers for the defense and most other expenses. Sullivan from the outset was the only one who opposed any compromise. Coy boasts of the chances that remain to him through presidential favor, and that a petition to secure it will soon be in Cleveland's hands. The Committee of One Hundred, however, will ask for a hearing if the President considers the case.

The United States Grand Jury.

Coy and Bernhamer are still here, waiting for the grand jury to get through with them in regard to the statements made by the former relative to approaching the jury that tried them. District Attorney Sellers says he has made some progress with the examination, and intimates that there is a probability of some noticeable developments before the grand jury again meets this morning. Possibly in time for both men to be taken north on the noon train. The grand jury reported last night, but it had no reference to the Coy matter.

MATTERS IN OTHER COURTS.

Coup Says He, and Not His Wife, Stole the Murphy Diamonds.

The county grand jury made a partial report yesterday afternoon, returning indictments against Philip Coup and his wife Nellie, charged with stealing \$1,500 worth of diamonds from the residence of John W. Murphy; Ardell Range, John Zera and William Langley, charged with petit larceny; Edward Silvers, Frank Stewart, for grand larceny, and John Miller for burglarizing the dry goods store of Isaac Newman, on West Washington street. Those indicted were all arraigned as soon as the bills were returned. When Philip Coup was called on to enter a plea he acknowledged that he stole the Murphy diamonds. "Your Honor, my wife had nothing to do with the robbery," he continued; "I want to bear all the blame." Mrs. Coup entered a plea of not guilty. Coup said he had friends, but he expected no help from them, and the court appointed a country attorney to defend his wife. His brother, the showman, has refused to assist him in any way. Mrs. Coup will be tried this week so that the husband can be given his sentence. All the other prisoners pleaded not guilty but John Shafer, who admitted that he robbed Newman's store.

Accused of Robbery.

Monday night Pat Coleman, saloon-keeper at the corner of California and Maryland streets, was robbed of \$120, and last evening William Manning and Hosteler arrested Henry Leibert, an employe at King's pork-house, on the charge of having taken the money. The night of the robbery, in company with two women, he went to Kissel's saloon, north of the city, and while under the influence of liquor it is said he was persuaded to commit the robbery. Yesterday he heard the police were after him, and started to leave the city. He was overtaken on the I. & L. railroad, near the Belt crossing.

He Was Awarded Damages.

George Nicholson has been given a judgment in the Superior Court against John C. Burk, proprietor of a West Washington street livery stable for \$75, on account of personal injuries received through the alleged negligence of Mr. Burk. Several months ago Nicholson fed his horses in the stables, and while hitching up after night he had into the stable where he represented the administration of Grover Cleveland in being employed to prosecute the case. This Judge McNutt denied, claiming that Judge Claypool had no other standing at the trial, except as the attorney whose appointment for the purpose of the prosecution was procured from the President by the Committee of One Hundred. "If he does represent the administration," Judge McNutt said, "then God help it. If Grover Cleveland had anything to do with having this man to prosecute these defendants, so much more shame for him. In the last trial he knew, years ago, of a young man who murdered his school mate and his wife. He was tried and sent to the penitentiary for life, and yet throughout the trial he kept repeating that the motive for the crime could be discovered. Judge McNutt at one time argued there was no conspiracy, and that not even Perkins was guilty. Yet he spent two hours and a half in bolstering Perkins and trying to make the jury believe that he alone was guilty. But the mass of evidence in the changed tally-sheet case shows that such Coy was not a lone perpetrator. If Perkins had done it all, every paper would have been scratched alike. But Judge McNutt says if a man is guilty of arson, why not try him for that crime, and not for a conspiracy in procuring matches. A mob could attack the arsenal of the United States, and spread riot and bloodshed throughout the street. That comes under the law, but the attack on the arsenal could be punished by the United States as it was the property of the government. For that crime, though, according to the defense, no one should be tried. The ring-leaders should be convicted only of riot. So in this case each scratch on these tally-sheets was a crime against the State, but the United States government had no proprietary right in those sheets and has the power to protect them.

Sentenced for Four Years.

Squire A. Cameron, who, in company with Charles Wilson, assaulted Henry Gueiss and robbed him of a gold watch, and who robbed several residences, was sentenced to the penitentiary for four years by Judge Irvin, yesterday, on a plea of guilty. Wilson was tried two months ago, and the jury that heard the case sentenced him to the penitentiary for one year on one time of the best printers in the city. He will be taken to the eastern prison to-day.

Grand Jury and Tally-Sheet Cases.

There is a rumor that the county grand jury has not entirely abandoned the tally-sheet cases, and that its future course depends on the result of the present trial in the federal court. In case there are convictions, it is said, the jury will dismiss the cases, but should there be no conviction the investigation commenced several months ago will be concluded. The present session of the jury ends to-morrow, and if the cases are again taken up it will not be until next term.

Gamblers Fined.

Ten of the poker-players arrested last Saturday night pleaded guilty before Mayor Denny yesterday morning, and were each fined \$25 and costs. The total cost to them was something over \$400. To be how, Ben Gordon and William Ousley, players devoted to plead guilty and announced that they proposed to stand trial for the remainder of the case, and their cases were set for Friday morning.

Suing for Insurance Money.

Lee & Jacobia, millers, of Sand Creek, Mich., have brought suit in the Superior Court against the Indiana Insurance Company, to collect a \$1,000 policy. Their mill at Sand Creek, on which insurance to that amount was placed in the defendant company, was destroyed by fire, and they claim that the company refuses to make good the loss.

Violated Revenue Law.

James L. Hartman, of Connersville, pleaded guilty yesterday, in the federal court, to violating the revenue laws. He was fined \$10 and costs.

The Court Record.

Supreme court decisions.

Hon. J. A. Mitchell, Chief Justice.

13233. Cleveland Railway Company vs. Harriet Wynant. Madison C. C. Reversed. Mitchell, C. J.—Action by appellee against appellant to recover damages for injuries alleged to have been suffered by the plaintiff from the overturning of her carriage, the horses having taken fright at a box car which, it is charged, the company unlawfully and negligently permitted to remain partially upon a public way, and in which the plaintiff was traveling. Held that it was improper to admit evidence as to the horses, in passing the car, took fright at it.

On trial by jury.

13234. Pleasant W. Meadows et al. vs. State of Ind. Reversed. Allison, Monroe C. C. Affirmed conditionally. Niblack, J.—Suit on a guardian's bond. A surety in a statutory bond cannot be held liable for a sum greater than the penalty fixed in the bond.

Superior Court.

Room 1—Hon. N. B. Taylor, Judge.

Geo. Nicholson vs. John C. Burk; damages. Judgment on verdict for plaintiff for \$75.

Room 3—Hon. J. L. McMaster, acting Judge.

Matilda M. Moore vs. John E. Kerr; guarantee on bond. Trial by jury.

John Wacker vs. August Christian; account. Judgment, \$116.85.

New Suits Filed.

Mary A. Logan et al. vs. Amos W. Butler; complaint for partition of real estate.

Alfred A. Norwood, administrator, vs. John R. Cropper; complaint to quiet title.

Criminal Court.

Hon. William Irvin, Judge.

State vs. Squire Cameron; burglary and grand larceny. Pleading guilty, and sentenced to the penitentiary for four years.

A New Railroad Enterprise.

Chattanooga and Southern railroad were filed yesterday in the office of Secretary of State. The capital stock is \$450,000, and the directors are F. L. Patrick, Wm. Thomas Lewis, Lewis W. James, George W. Bowers, and Thomas W. Phillips; John W. Ralston, John B. Bailey, George Harris, Pittsburg, Pa., and John Murray, Chicago, Ill. The road is to begin at Indianapolis, run thence in a southerly direction into and through the counties of Johnson, Brown, Jackson, Washington, Harrison, Crawford and Perry in the State of Indiana, and terminate in Indiana at the town of Troy, county of Perry.

Two great crimes—Hood's Sarsaparilla and impure blood. The latter is utterly defeated by the peculiar medicine.

EQUAL RIGHTS FOR WOMEN

The Indiana Suffragists Satisfied with Their Work in Agitating Reform.

Delegates in Convention Report a Growing Sentiment Favoring Claims They Urge—Addresses of Mrs. Gougar and Mr. Foulke.

At the annual convention of the Indiana Suffrage Association at Plymouth Church, yesterday, the State secretary, Mrs. Ida A. Harper, read the annual report, stating that during the past seven months the association has sent out over 50,000 circulars, pamphlets and other documents and effected a thorough organization of the State. The various districts sent satisfactory reports by delegates, as follows: Wabash, Miss Kate Busiek; Madison, Mrs. Mary E. Sullivan; New Albany, Miss Mary Cardwell; Bloomington, Mrs. O. B. Clark; Muncie, Mrs. Harriet Case. Other reports will be heard to-day. The report of the treasurer, Mrs. Juliet R. Wood, showed total receipts for the year, \$1,013.45; total expenditures, \$1,053.24.

The reports were supposed to give the audience an opportunity to hear Mrs. Annie Jeanes Miller, who, being obliged to leave for Michigan on the evening train, gave an address in the afternoon. The ladies regret that there were not more gentlemen in the audience, as they think her remarks would have been particularly pleasing to them. The public has become more especially acquainted with Mrs. Miller through her lectures on dress, but her talk on suffrage was a surprise, being strong, logical and full of beauty. She based her arguments on the ground that suffrage is an inalienable right and that it seemed a crude subject to be discussed in this enlightened nineteenth century.

There was but a small attendance at the meeting at night on account of the rainy weather. The speakers advertised for the evening were Hon. W. D. Foulke, Col. R. S. Robertson and Mrs. Gougar. Colonel Robertson, however, was unable to appear. Mrs. Gougar gave the first address. In the beginning she referred to the council of women that was held last month in Washington City, saying that it was the first national convention of the kind that had ever assembled in the United States. In the whole assembly there was not one person representing any organization that had for its object anything but the good of humanity. She congratulated as president of the Indiana Equal Suffrage Association, the women present on the great progress made in the last forty years by the movement for the enfranchisement of women. She referred to the time when women were denied the right to petition Congress on the question of slavery, how they were debarred against on the rostrum and preached against in the pulpit, and how they were now free to make any demands for their right, and contrasted this situation with that of the present. She thought, therefore, that the advocates of woman's suffrage had much now to be congratulated for and much to take courage from. She spoke in detail of the condition of women under the old common law, how they had been oppressed and how now they were freed from these restrictions in the matter of property rights and the manner in which they had succeeded in going away with all their restrictions. In commenting on the action of the M. E. Conference in New York City, she said, referring to a discussion in the Indiana Legislature in 1885, that she had read the proceedings of the Indiana Legislature in that year so that I could show to the women how the Indiana Legislature had been so kind as to give them the right to make any demands for their right, and contrasted this situation with that of the present. She thought, therefore, that the advocates of woman's suffrage had much now to be congratulated for and much to take courage from. She spoke in detail of the condition of women under the old common law, how they had been oppressed and how now they were freed from these restrictions in the matter of property rights and the manner in which they had succeeded in going away with all their restrictions. In commenting on the action of the M. E. 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